

**United States District Court, Western  
District of Washington**

**No.**

Daniel A. McCaw, Plaintiff,

vs.

United States, Defendant.

**Complaint**

Plaintiff Daniel A. McCaw brings this action against the United States and makes the following allegations and complaints:

**I. PARTIES**

1. Plaintiff Daniel A. McCaw is an individual residing in Orting, Pierce County, Washington.
2. Defendant is the United States of America.

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1 II. JURISDICTION AND VENUE

- 2 1. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question) and § 1346  
3 (United States as defendant). The defendant is the United States of America and the  
4 plaintiff resides within the Western District of Washington. This Court has venue  
5 under 28 U.S.C. § 1391(e)(1).  
6

7 III. FACTS

- 8 1. In June or July of 2016, Mr. McCaw ordered a firearm over the Internet from a dealer  
9 in Florida to be shipped to a local dealer in Pierce County. When Mr. McCaw  
10 attempted to finalize the transfer of that firearm with the local dealer, he was denied  
11 by the National Instant Criminal Background Check System (NICS). The dealer  
12 provided Mr. McCaw with a NICS Transaction Number (NTN) of 398X8BC.  
13 2. Mr. McCaw requested from the FBI the reason for the denial. In a letter dated July  
14 12, 2016, the FBI responded that Mr. McCaw's denial was "based on the  
15 Identification for Firearm Sales (IFFS) Flag maintained by the FBI." The letter  
16 explained that the FBI uses the IFFS program to "flag criminal history records  
17 indicating a federal firearm prohibition exists." It further "clarified" that the specific  
18 reason the FBI set the IFFS flag on Mr. McCaw is "unable to be determined."  
19 3. Mr. McCaw has never been convicted of any crime in any court that carries a  
20 prohibition on firearm possession. He has never been involuntarily committed for  
21 mental health treatment or adjudicated as a mental defective. He is not a restrained  
22 party to any protection order. He has not been dishonorably discharged from the

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1 military. Overall, he has not suffered any firearm disabilities under state or federal  
2 law.

3  
4 IV. CAUSE OF ACTION

- 5 1. 18 U.S.C. § 925A, remedy for erroneous denial of firearm. NICS is erroneously  
6 denying Mr. McCaw a firearm when he is not prohibited by state or federal law  
7 from possessing one.

8  
9 V. REQUESTED RELIEF

- 10 1. That the Court order NICS to update Mr. Book's status to "proceed."  
11 2. That the Court award Mr. McCaw attorney's fees and costs.  
12 3. Any other legal or equitable relief as the Court sees fit.

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14  
15 Respectfully submitted,



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Vitaliy Kertchen WSBA#45183  
19 Attorney for Mr. McCaw  
20 Date: 8/10/16

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